



PLANNING COMMISSION MINUTES

06 NOVEMBER 2014

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Present: Stephanie Nelson, Chris Harrild, Josh Runhaar, Jason Watterson, Chris Sands, Rob Smith, Lane Parker, Leslie Larson, Jon White, Megan Izatt, Tony Baird
Start Time: 05:30:00 (Time not shown on DVD)

Sands welcomed and **Smith** gave opening remarks

05:32:00

Agenda

Approved with no changes.

Minutes

Approved with no changes.

05:33:000

Consent Agenda:

#1 Rasmussen Farms Subdivision (Brian G. Lyon)

Harrild Brian G. Lyon is requesting a recommendation of approval to the County Council for a two lot subdivision with two agricultural remainders on 104.14 acres of property in the Agricultural (A10) Zone located at approximately 5011 North Highway 23, Cache Junction.

***Watterson** motioned to approve the consent agenda with the written findings of facts and conditions;
Larson seconded; **Passed 5, 0.***

05:35:00

Regular Action Items

#2 Title 17.07.030 – Kennels.

Harrild reviewed the changes to the proposed kennel ordinance. A handout with the other counties ordinance information was handed out. Most places do not allow a kennel as a permitted use and they are required to have a conditional use permit (CUP) for most zones. Most counties that staff, looked at in the State, require at least 1 acre for a kennel; some require 3 acres and two counties require at least 10 acres. The minimum number of dogs for most counties is 4, some are set at 3. 3 of the 7 counties do not have a maximum number of dogs limit. Salt Lake County is set at a maximum of 5 dogs; Utah County is set at a maximum of 10 dogs depending on the zone; Weber County is 3 to 10 dogs depending on the age of the dog. As for enforcement, Salt Lake and Washington Counties are the only counties that staff looked at were nuisance and enforcement is included in the ordinances for land use. There were concerns about the setback requirements and staff has left that section open in the proposed ordinance for Commission to decide. Staff has talked to the County animal control officer and their response is that enforcement isn't easy. Usually what happens is they respond to the call and usually there is nothing happening. If something was happening there is a warning given but it can happen again. Staff did express that pushing everything to the enforcement side won't work very well.

Commissioners asked about the nuisance ordinance. The ordinance is very out of date and currently the nuisance officer is the Fire Chief and a nuisance is only considered a nuisance if three reasonable people complain. That doesn't work if there are only two neighbors. The ordinance also currently only deals with noxious weeds and derelict buildings. If the nuisance ordinance were to be re-written to include kennels it would probably need to be turned over to the county attorney's to be done. There are some things that could possibly be handled administratively. If they are not a breeder and have 6 dogs or less that could possibly be turned over to staff to handle administratively instead of forcing them to go through the whole CUP process. Staff stated that if the commission wanted to approach kennels from the nuisance angle then it would probably be better to leave the ordinance how it is. By doing that it comes before the Commission for the CUP process and can regulate it through conditions. This also causes neighbors to be the enforcement and staff doesn't really like that option. Performance based standards can be possible as long as sight, sound, and smells are addressed.

The new ordinance would include language stating that all kennels would need a CUP to operate in the county. There will be no minimum lot size but kennels will be required to have a certain setback from the property and staff will diagram some examples out to help decide that distance.

Staff doesn't want to tie a nuisance ordinance to Titles 17 and 16. Nuisance complaints would still be routed through the Sheriff's office and the County Attorney's office.

Val Rasmussen we have new neighbors across the street because they didn't meet the town ordinance for the number of dogs they have. But the current ordinance is they can have 4 or was it 13?

Runhaar the current ordinance is if they have 4 or more dogs they have to have a kennel license.

Mr. Rasmussen I'm not against them having dogs at all or against kennels. But this does affect everybody out there when people let their dogs loose and you can hear them for quite a ways.

Caryn Mullin I have the pugs and we have not moved down here because of this ordinance. A responsible breeder will only breed their females once a year because it is too hard on them. Are you restricting it to 12 females?

Runhaar 12 adult dogs.

Ms. Mullin our animal control in Wyoming does yearly visits and I have never been cited. I would rather see a performance based standard. If you do a performance based standard I would be more than willing to help with that.

Runhaar we are talking about land use; not the sanitation and health. We are looking at the surrounding characteristics of the land and setbacks and things like that.

Ms. Mullin Okay. I'm not sure what the issue is because Lamar Clements, our neighbor in Cache Junction, doesn't have a problem with us moving there. However, the White's, our other neighbors do but yet they let their dogs roam out there all the time. Do I need to call animal control about that?

Runhaar yes because I don't have anything to do with enforcement.

Larson yes, if you have a problem you have to call animal control. They will issue a citation or whatever needs to happen. There is two separate issues here. One is people being able to enjoy their property without infringement from surrounding property owners and the other is with animal control because of an infringement on your property rights because of their dogs.

06:35:00

#3 Title 17.06 – Uses.

Harrild reviewed the minimal amendment changes that have been made to the uses ordinance. “Temporary use” has been removed because temporary uses are not allowed. The zoning administrator was changed to director. The organization of uses and their standards have been reformatted as necessary. Some rewriting has been done to help with clarity of the ordinance. One of the main changes is the expiration timeline for CUPS has been changed from 18 months to 12 months and Temporary Uses has been deleted because temporary uses are not allowed. Some minor editing changes were suggested.

Smith motioned to recommend the 17.06 Uses to the County Council with the noted edits; **Larson** seconded; **Passed 5, 0.**

06:50:00

#4 2015 Meeting Dates and Application Deadlines.

Adopted with no changes.

#5 Discussion – MS4 Stormwater Permitting

Runhaar reviewed the MS4 Stormwater permitting information. The Clean Water Act of 1972 is what started this all. The main problem for the county is enforcement. If the county fails to do proper enforcement the fines will not only go to the person/entity that fails but also to the county. Noncompliance can be many different things and some of them are very little but if an audit happens and all the ducks are not in a row it is going to hurt. MS4 stands for Municipal Separate Storm Sewer System. The permit is being developed right now and will hopefully be adopted in December by the County Council. There are 6 minimum control measures for the county and they are public education/outreach, public participation/involvement, illicit discharge detention and elimination, construction site run-off control, post-construction run-off control, and pollution prevention/good housekeeping. The county is working on ways to implement all of these areas.

07:15:00

Adjourned.